CONSTITUTION OF THE NATIVE VILLAGE OF STONY RIVER, ALASKA

CONSTITUTION
OF THE
NATIVE VILLAGE OF STONY RIVER

PREAMBLE

We, the Native residents of Stony River, Alaska, having a common bond of residence and culture, in order to promote our welfare through the development of governmental and economic enterprises, do establish this Constitution and By-Laws.

ARTICLE I - NAME

This is the Constitution of the Native Village of Stony River.

ARTICLE II - TERRITORY AND JURISDICTION

The territory and jurisdiction of the Native Village of Stony River shall include all the traditional lands used by our people but not limited to the island of Stony River on the Kuskokwim River, the lands which were held by the village corporation, (Stony River Incorporated) and now held by The Kuskokwim Corporation following consolidation, the lands held by the Kuskokwim Corporation and the Native owned land in the Stony River townsite, U.S. Survey 4490.

ARTICLE III – MEMBERSHIP

Section 1. All persons whose name appears on the ANSCA roll, or were eligible but did not enroll, and their descendents and all such persons who reside in Stony River shall be members of this community.

Section 2. New Members= Any child legally adopted by a recognized member of Stony River shall also be a member of this community and the descendents of this child whose blood ancestry can be traced to the ANSCA roll, or was eligible for the ANSCA roll but not enrolled.

Section 3. Definition of Adult Member= Any person who is a recognized member and is 18 years of age or older and resides in Stony River.

ARTICLE IV = THE GOVERNING BODY

Section 1. Traditional Council and Officers= The governing body of the Native Village of Stony River shall be known as the Traditional Council of Stony River. There shall be a Traditional Council composed of a President, Vice President, Secretary, Treasurer, and three (3) members elected by the adult members who reside in Stony River for at least one (1) year.

Section 2. (a) Each member of the Council shall serve for a term of one year and may be elected by the tenth day of October for the following year. There are no limits to the number of terms a Council member may serve. Members may be re-elected for the next or consecutive term.

(b) In the event that a quorum for an election meeting is not established, all council members shall be held over until the next valid election meeting when a quorum is established.

Section 3. Any officer may be removed for cause and any vacancy in office will be filled by appointment by the remaining council members.

ARTICLE V = POWERS OF THE VILLAGE

Section 1. General Powers= Except as specifically limited by this Constitution, the powers of the Village shall be exercised by the Traditional Council and shall include inherent powers of a federally recognized tribal government, including but not limited to those specified in this article, which do not violate federal or other applicable tribal law. The Council may authorize an officer to act in specific circumstances.

Section 2. Internal Procedures= Consistent with this Constitution, the Council may enact rules to govern its internal procedures and organization to further define the duties of Village officers by ordinance or bylaw.

Section 3. Other Council Powers= In addition to all powers vested in the Village or the council by existing law, the Village, acting through the council shall have the following powers:

(a) To negotiate with federal, state or local governments and others on behalf of the Village.
(b) To negotiate with any person, firm, corporation or municipality on behalf of the members.
(c) To raise revenue.
(d) To acquire property, accept gifts and prevent the alienation or loss of Tribal property without the consent of membership.
(e) To enact ordinances, procedures and regulations necessary to give effect to any provision of this constitution and to exercise any power not prohibited by federal laws.

(f) To encourage and protect Tribal traditions, language, culture and enrollment.
(g) To create a Tribal court or body to address Tribal issues and Indian Child Welfare Act cases and issues.

ARTICLE VI – RIGHTS OF MEMBERS

Section 1. Civil Rights= Consistent with the customs, laws and traditions of Stony River, the Village in exercising its jurisdiction, freedom of speech, press or religion, or the right to assemble peacefully, or shall the Village laws or derive any person of liberty or without due process of law.

Section 2. All members, 18 years of age or older, having resided in Stony River for one (1) year or longer, shall have the right to vote in all Village meetings and elections.

Section 3. Retained Powers= The retained powers of the Native of Stony River not expressed in this Constitution shall not be lost by omission, but may be exercised by a vote of thirty percent (30%) of the adult membership or delegated by the membership to the Council.

Section 4. Tribal members may petition the Council to enact rules regulations.
(a) Referendum= Village members shall have the power to approve or reject acts of the Council. The referendum shall be initiated by filing with the Council a petition asking for a referendum signed by at least thirty percent (30%) of the membership eligible to vote. Within thirty (30) days after receipt of a valid referendum petition, the Council will call and conduct an election on the referendum. The Council may also initiate a referendum on its own motion without a petition.
(b) Initiative= Village members may initiate legislation by filing an initiate petition with the Council. The petition shall set forth the precise legislation to be initiated. The initiative petition shall be signed by at least thirty percent (30%) of the membership eligible to vote. Within thirty (30) days after receipt of a valid initiative petition, the Council shall conduct an election to consider the initiative.

Section 5. The Council shall have the power to levy dues, fees and taxes for the people on the members and their property, and to provide for their collection and enforcement through its ordinances, for the good of the members; however, no such assessments shall be laid except by resolution of the members at a regularly scheduled meeting where thirty (30 %) percent of the eligible voters so petition.

ARTICLE VII - AMENDMENTS

Section 1. Amendments to this Constitution and Bylaws may be proposed by a resolution of the Council or the members by petition to the Council.

Section 2. Amendments shall become effective when ratified by a vote of adult members residing in Stony River, provided that at least thirty percent (30%) of those entitled to vote shall vote in such an election.

ARTICLE VIII – SEVERABILITY

If any portion of this Constitution by Bylaws shall be found to be invalid language shall be stricken and all remaining Constitutional language shall remain in effect.

ARTICLE IX - ADOPTION

This Constitution shall be ratified upon a unanimous vote of the Council following a house to house survey and meeting with all eligible voters discussing, interpreting and explaining this Constitution and Bylaws, or no more than two (2) people expressing a negative response or vote.

CERTIFICATION OF ADOPTION

We, the undersigned members of the Traditional Council of the Native Village of Stony River, having a had a meeting with all eligible voters and explaining this Constitution and Bylaws; and each voter having expressed an affirmative vote to accept and ratify this Constitution and Bylaws without any negative votes; do ratify this Constitution and Bylaws on this 2nd day May 2003.

PRESIDENT, TRADITIONAL COUNCIL

VICE-PRESIDENT, TRADITIONAL COUNCIL

SECRETARY, TRADITIONAL COUNCIL

TREASURER, ~~TRADITIONAL~~ COUNCIL

MEMBER, TRADITIONAL COUNCIL

MEMBER, TRADITIONAL COUNCIL

MEMBER, TRADITIONAL COUNCIL

We the undersign do hereby agree to the amendment(s) of our Constitution and By Laws of the Native Village of Stony River.

Jason Bobby
Charlie Gusty
Ignatia Bobby
IYANA GUSTY SR
Marilyn Lawson
Robert B. Gusty
Shirley Gusty
Mary L. Wills
Ilyana J. Gusty Jr.
Thomas Willis
Elya Evan
Alex Ellis
Maria M Sattler
Amy M Gusty

BYLAWS

OF

STONY RIVER

TRADITIONAL COUNCIL

REVISED AND APPROVED
May 2, 2003

Bylaws
Of
Stony River Traditional Council

ARTICLE I - DUTIES OF OFFICER

Section 1. The President=

a. The President of the Council shall preside over all meetings of the Council, exercising the usual duties of a chairman, or delegate another in his/her absence.

b. He/she may vote in Council meetings only in the case of a tie, or during a secret ballot.

Section 2. The Vice President= The duties of the Vice President in the absence of the President will be the same as those of the President.

Section 3. The Secretary=

a. The Secretary shall act as a chairman in the event the President or the Vice President.
b. The Secretary shall conduct all correspondence and keep a complete and accurate of all business transactions of the Council.
c. The Secretary shall record all rules, regulations and ordinances in the appropriate books for the information and guidance of the members.

Section 4. The Treasurer=

a. The Treasurer shall accept, record, receive receipts, preserve and safe guard all funds for which the Council is responsible.
b. The Treasurer shall make a faithful record of such funds and shall report to the Council all receipts and expenditures, and shall report the amount and nature of all funds in his/her possession or custody.
c. He/she shall not pay except upon authorization of the Council or authorize disbursement of any funds for which he/she is responsible.

d. The Treasurer may be required at the request of the Council to give bond satisfactory to the Council.

Section 5. Appointive Officers=

a. The duties of all appointive officers, agents or committees appointed by the Council shall be clearly defined by a resolution of the Council at the time of appointment.
b. No appointive officer shall serve longer than an elected officer he is replacing.

Section 6. The Records= All accounts, records, books and minutes of the Council meetings shall be subject to examination by members of the Council and Tribal Members, and agents of the Federal or State governments having authorized business as noted in such records.

ARTICLE II – QUALIFICATION OF OFFICERS

Section 1. No person may be a candidate for any elective office unless he has the qualifications of a voter.

Section 2.

a. No person who has been convicted of a felony may be a candidate for any elective office.

b. Any officer of the Council or official of the Village who is convicted of a felony or any other offense involving dishonesty or moral turpitude shall forfeit his office.

ARTICLE III = CHANGE OF OFFICERS

Section 1. If the office of a Council member is vacant for any reason, the Council may appoint a successor to serve until the next regular meeting, at which time a member shall be elected to fill the office.

Section 2. In the event that a quorum is not established, the appointive officer shall hold over until the next regular scheduled meeting where a quorum is established.

ARTICLE IV= RULE MAKING POWER

Section 1. The Traditional Council shall have the power to make rules and regulations and to pass ordinances and resolutions to carry out the provisions of the Constitution and Bylaws and to govern Tribal members.

Section 2. Ordinances shall be adopted for all laws of permanent application. Council action with respect to other matters shall be by resolution. All enacted ordinances shall be available for public inspection at the Council office.

ARTICLE V -MEETINGS

Section 1. The Council shall meet once a month unless a special meeting is required, then more often.

a. The President may call all such special meetings as may deemed necessary by giving notice to the Council and the community.
b. All regular meetings must first be proceeded with seven (7) days public notice.

Section 2. The Quorum=

a. A quorum for Council meetings shall be established by the presence of the President and three (3) Council members.

Section 3. Careful and accurate records in the form of minutes shall be kept of all regular meetings of the Council and preserved in the appropriate files of the Council.

Section 4. The Council shall abide by the Robert's Rule of Order.